

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/707,365
Filing Date: December 9, 2003
Applicant(s): Kenneth Boyd
Group Art Unit: 2128
Examiner: Hugh M. Jones
Title: Method and Apparatus for Controlling a
Vehicle Computer Model with Oversteer
Attorney Docket No. 81044284 (36190-619)

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The Applicants request review of the final rejection in the above-identified application.

No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheets. No more than five (5) pages are provided.

I am the attorney or agent of record.

Respectfully submitted,

Dickinson Wright PLLC
Attorneys for Applicant(s)

Date: November 19, 2007

By: Angela M. Brunetti
Angela M. Brunetti
Reg. No. 41,647

Dickinson Wright, PLLC.
38525 Woodward Ave., Suite 2000
Bloomfield Hills, MI 48304-2970
(248) 433-7512

AMB/KH

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/707,365
Filing Date: December 9, 2003
Applicant(s): Kenneth Boyd
Group Art Unit: 2128
Examiner: Hugh M. Jones
Title: Method and Apparatus for Controlling a
Vehicle Computer Model with Oversteer
Attorney Docket No. 81044284 (36190-619)

PRE-APPEAL BRIEF

Mail Stop AF
Commissioner For Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

This pre-appeal brief is being filed concurrently with a Notice of Appeal and review of the pre-appeal brief is respectfully requested. Applicants believe there are no fees due for this document, however, if any fees are due, the Patent Office is authorized to charge or refund any fee deficiency or excess to Deposit Account No. 06-1510.

Listing of Claims:

1-3, 7-12, 16-29.

REMARKS

The issues are:

- 1) Whether claims 1-3, 7-9, 12, 14, 16-18, 21, 22, and 25-27 are obvious in view of Ravini and Ghoneim.;
- 2) Whether claims 11-12, 19, 20, 23, 24, 28 and 29 are obvious in view of Ravini, Ghoneim and Yasui; and
- 3) Whether claims 23 and 29 are obvious in view of Ravini, Ghoneim, and Nagaoka.

Appellants assert that the Examiner has improperly rejected the claims because of a factual error in relying upon the theory of inherency with respect to the Ravini reference. The Examiner asserted that Ravini inherently teaches the features of understeering and oversteering conditions when operating a vehicle. The Examiner's argument is based on an assertion that when a vehicle is entering a curve or leaving a curve, it is inherently understeering or oversteering. The Examiner asserted that this is evidenced by the fact that if a steering angle would "remain the same" while driving into or out of the curve, the car would leave the designated lane. The Examiner goes on to assert that if "not corrected" in either instance, understeering and oversteering are inherent.

Appellants respectfully traverse. Understeering and oversteering are defined in the specification of the subject application beginning at paragraph [0019]. Understeering occurs when a vehicle does not respond to a "change in steering wheel angle" and oversteering is when the rear of the vehicle slips out laterally relative to the front of the vehicle, a result of responding

to "a change in steering wheel angle". In both understeering and oversteering, the vehicle is either not responding, or over responding to a change in steering. In any event, an important element is a response by the vehicle to a change in the steering wheel angle.

It is respectfully asserted that the technical reasoning used by the Examiner does not reasonably support this determination. Understeering and oversteering do not inherently flow from the assertion of "if the steering were to remain the same" as suggested by the Examiner. The act of a vehicle leaving a lane during entrance to or exit from a curve as a result of no change in steering wheel angle and no response by the vehicle to that change does not inherently teach or disclose understeering and oversteering. It is respectfully asserted that the Examiner is improperly rejecting the claims based on this factual error.

Reversal of the rejection and a formal Notice of Allowance are respectfully requested.

Respectfully submitted,

Dickinson Wright PLLC
Attorneys for Applicant(s)

Date: November 19, 2007

By: Angela M. Brunetti
Angela M. Brunetti
Reg. No. 41,647

Dickinson Wright, PLLC.
38525 Woodward Ave., Suite 2000
Bloomfield Hills, MI 48304-2970
(248) 433-7512

AMB/KH